



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 692-00

16 May 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum of 5 April 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5 Apr 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]
[REDACTED]

Ref: (a) BCNR memo of 25 Feb 00
(b) DOD Financial Management Regulation (Vol 7B)
(c) PHONCON CPO Davidson/NPC (PERS-622D1) CWO4 [REDACTED]
of 28 Mar 00

Encl: (1) Survivor Benefit Plan (SBP) Termination Request
(DD Form 2656-2)

1. Per reference (a), recommend the BCNR not correct Chief [REDACTED] record to reflect that he did not enroll in the Survivor Benefit Plan (SBP) when he transferred to the Fleet Reserve.

2. The recommendation is based on the following:

a. [REDACTED] transferred to the Fleet Reserve on 30 November 1998.

b. [REDACTED] was enrolled in SBP spouse coverage category automatically because his election certificate was not received by Defense Finance and Accounting Service, Cleveland (DFAS-CL).

c. Per reference (b), "A member who retires on or after 21 September 1972, has automatic participation at maximum level, unless he/she elects otherwise before retirement."

d. Per reference (c), Chief [REDACTED] could not locate any supporting documentation to support his claim.

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]
[REDACTED]

3. Disenrollment in SBP may take place only when there is no eligible beneficiary due to death or divorce, or the member may voluntarily disenroll from the program during the 25th through the 36th month after commencement of receipt of retired pay. Chief Davidson may complete and forward enclosure (1) to DFAS-CL for termination of SBP when eligible.

[REDACTED]
[REDACTED] AW
Head, Navy Retired Activities
Branch (PERS-622)